



"Kim Fauble"  
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11/01/2012 01:27 PM

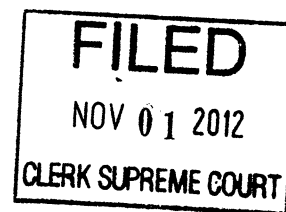
Please respond to  
<kfauble@mcginnlawfirm.com>



To <Rules.comments@iowacourts.gov>,

cc

bcc

Subject "Proposed New Rule of Juvenile Procedure 8.36"



Who	Date	Time	Subject
 Kim Fauble	11/01/2012	01:27 PM	 "Proposed New Rule of Juve

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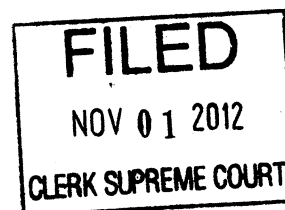


Letter Re Proposed Rule.docx

Sincerely,

Kim Fauble  
McGinn Law Firm

October 29, 2012



Chief Justice Cady  
Clerk of the Supreme Court  
1111 East Court Avenue  
Des Moines, Iowa 50319

RE: Proposed New Rule of Juvenile Procedure 8.36

Dear Justice Cady,

Our firm would like to voice our concerns over the proposed new rule of juvenile procedure 8.36. As two members of our firm practice in juvenile court these proposed changes will have a significant impact on them and their practices if implemented.

Although important constitutional rights are implicated in parental termination and child-in-need-of assistance cases, it is unclear how the additional prerequisites and the annual juvenile law CLE will result in better legal representation of the parents. The current requirements of bar membership and the general ethical duties, along with the annual general CLE requirement provide enough safeguards to ensure competent representation of parents.

Furthermore, it is unclear what has prompted these proposed new rules. If there are concerns about an attorney's ability to provide competent legal representation of a parent, those issues should be taken up with that attorney personally, rather than implement some costly and time consuming pre-requisite and CLE program for all attorneys practicing in that field. It has been our firm's experience that parents we've represented in juvenile court have had their parental rights terminated on multiple grounds under I.C.A. section 232.116, most often because of their own failures to follow through with the recommendations. When a parent fails to take an active role in his/her own case, no amount of CLE classes or pre-requisites will result in a different outcome.

It is also our firm's position that creating more time consuming administrative work for attorneys will significantly deter solo-practitioners and attorneys from smaller firms from wanting to engage in the practice area. Currently, attorneys are expected to provide an ever increasing number of administrative functions, just to practice law. Adding more such functions like self-reporting and certification creates duplicitous work that in the aggregate substantially limits the amount of time attorneys at small firms can dedicate to representing clients.

Although our firm respects and commends Judge Christensen and Mr. Langholz's efforts to improve the quality of legal representation in Iowa's juvenile courts, we simply don't agree that the proposed new rule will achieve the intended outcome.

Sincerely,

McGinn, McGinn, Springer & Noethe

/s/ William F. McGinn